COUNTY OF LOS ANGELES
OFFICE OF THE COUNTY COUNSEL

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ROBERT E. KALUNIAN
Acting County Counsel

December 28, 2009

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI
Senior Assistant County Counsel

RE: **Claim of April Foss**

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary, the Summary Corrective Action Plan, and the Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Claim of April Foss, in the amount of $142,476.70, and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Department of Public Works' budget.

This claim seeks compensation for property damage caused by a broken fire hydrant.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME		Claim of April Foss
CASE NUMBER		RMIS#: 08-1061817*001
COURT		N/A
DATE FILED		June 6, 2008
COUNTY DEPARTMENT		Public Works--Waterworks Districts
PROPOSED SETTLEMENT AMOUNT	$	142,476.70
ATTORNEY FOR PLAINTIFF		Louis J. Bachleder
COUNTY COUNSEL ATTORNEY		Brian Chu Principal Deputy county Counsel (213) 974-1956
NATURE OF CASE		This non-litigated claim involves property damage arising from a fire hydrant erupting due to corroded bolts. The high pressure water caused damage to the property of April Foss. The water had flooded the upstairs and lower level of her home as well as causing damage to its exterior. The fiire hydrant is maintained by the County Waterworks Districts ("Waterworks"). Waterworks has implemented a Fire Hydrant Bolt Replacement Program to prevent future hydrant complications. Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential

		exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement.
PAID ATTORNEY FEES, TO DATE	$	0
PAID COSTS, TO DATE	$	0

Summary Corrective Action Plan

County of Los Angeles Department of Public Works

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Claim: Date of incident/event:	April Foss June 2, 2008
Briefly provide a description of the incident/event:	On June 2, 2008, a fire hydrant located adjacent to the claimant's property separated from its base, sending water into the air and flooding her home. Water damaged the exterior of the home and flooded the interior of both the upstairs and lower level. County of Los Angeles Waterworks Districts (Waterworks) maintains the subject fire hydrant. Waterworks personnel confirmed that the fire hydrant bolts had rusted through and severed in place, indicating that no impact to the fire hydrant had occurred. The corroded fire hydrant bolts caused the fire hydrant to break away from its riser sending an estimated water flow of 7,500 gallons per minute from the riser.

1. Briefly describe the root cause of the claim/lawsuit:

The fire hydrant at this location failed as a result of severe corrosion of the fire hydrant flange bolts that occurred over time.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

To prevent future similar occurrences, Waterworks implemented a Fire Hydrant Bolt Replacement Program to replace the existing hollow-core flange bolts for all fire hydrants installed between 1987 and 1992 with solid-core bolts.

As of June 30, 2009, the hollow core-bolts for all 51 Priority Level A fire hydrants were replaced with solid core bolts. As of July 6, 2009, 126 Priority Level B fire hydrants were replaced with solid-core bolts. The remaining 48 Priority Level B fire hydrants will be replaced with solid-core bolts by July 31, 2009. All Priority Level C hydrants will have their hollow-core bolts replaced with solid-core bolts by June 30, 2010. Waterworks Standard Plan Numbers W-8 and W-9 were also updated to require the use of solid-core bolts for newly installed fire hydrants.

Waterworks will also develop and implement an ongoing Fire Hydrant Inspection and Maintenance Program for all of the Waterworks Districts by June 20, 2010.

3. State if the corrective actions are applicable to only your department or other County departments:
(If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

☐ Potentially has County-wide implications.

☒ Potentially has implications to other departments (i.e., all human services, all safety departments, or one or more other departments).

☐ Does not appear to have County-wide or other department implications.

Signature: (Risk Management Coordinator) Steven G. Steinhoff	Date: 7.23.09
Signature: (Director) Gail Farber	Date: 8 3 09

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DEPARTMENT OF PUBLIC WORKS
CORRECTIVE ACTION PLAN

CLAIM OF: April Foss

INCIDENT DATE: June 2, 2008

INCIDENT LOCATION: 1845 Date Palm Drive, City of Palmdale

RISK ISSUES:

The County of Los Angeles Waterworks Districts (Waterworks) could be held liable in Inverse Condemnation if its Public Works facility operating as designed resulted in damages to the claimant's private property.

INVESTIGATIVE REVIEW:

On June 2, 2008, a fire hydrant located adjacent to the claimant's property separated from its base, sending water into the air and flooding her home. Water damaged the exterior of the home and flooded the interior of both the upstairs and lower level.

Waterworks maintains the subject fire hydrant at the incident location. Waterworks personnel reports that the fire hydrant bolts had rusted through and severed in place, indicating that no impact to the fire hydrant had occurred. The corroded fire hydrant bolts caused the fire hydrant to break away from its riser releasing an estimated water flow of 7,500 gallons per minute from the 6-inch riser.

POLICY ISSUES:

In the past year, there have been five cases of fire hydrants which have spontaneously erupted and discharged large volumes of water due to failure of their flange bolts. The fire hydrants that failed were installed between 1987 and 1990 with 3/4-inch diameter hollow-core flange bolts. The bolts were manufactured with a 1/2-inch diameter hole drilled entirely through the bolt and head to facilitate separation of the hydrant from its bottom flange if hit by a vehicle. The holes drilled through the bolt heads allowed water to enter the hollow core of the bolts which lead to severe corrosion.

CORRECTIVE ACTION:

To prevent future occurrences of fire hydrant riser separation, Waterworks implemented a Fire Hydrant Bolt Replacement Program to replace the existing hollow-core flange bolts for all fire hydrants installed between 1987 and 1992 with solid-core bolts. Three Priority Levels (A, B, and C) have been established based on the installation year, water system pressure, and proximity to failed hydrants for hydrants that require bolt replacement. Priority Level A hydrants are those installed between 1987 and 1992, with water pressure of 150 pounds per square inch or greater and located near failed fire hydrants. Priority Level B hydrants are those installed between 1987 and 1992, with

water pressure of less than 150 pounds per square inch and located near failed fire hydrants. Priority Level C hydrants are all others installed between 1987 and 1992.

As of June 30, 2009, the hollow-core bolts for all 51 Priority Level A fire hydrants were replaced with solid-core bolts. As of July 6, 2009, 126 Priority Level B fire hydrants were replaced with solid-core bolts. The remaining 48 Priority Level B fire hydrants will be replaced with solid-core bolts by July 31, 2009. All Priority Level C hydrants will have their hollow-core bolts replaced with solid-core bolts by June 30, 2010. In addition, Waterworks Standard Plan Numbers W-8 and W-9 were also updated to require the use of solid-core bolts for newly installed fire hydrants.

Waterworks will also develop and implement an ongoing Fire Hydrant Inspection and Maintenance Program for all of the Waterworks Districts by June 20, 2010.

Reviewed & Recommended

Mark Pestrella Date
Deputy Director

Approved

John Kelly 9/12/09 Date
Deputy Director

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